

**ORDINANCE #2009-0002**  
**AN ORDINANCE AMENDING SECTIONS 6-6, 6-13, 6-102, AND CREATING**  
**SECTIONS 6-120 to 6-123 OF THE CODE OF ORDINANCES FOR THE CITY OF**  
**WOODSTOCK, GEORGIA**

Whereas, the City of Woodstock (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly<sup>1</sup>; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto<sup>2</sup>; and

Whereas, the City Council of the City of Woodstock, Georgia desires to amend Sections 6-6, 6-13, 6-102 and create sections 6-120 to 6-123 of the Woodstock Code of Ordinances, City of Woodstock, Georgia as set forth herein; and

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Woodstock, by the lawful authority vested in them, that Sections 6-6, 6-13, 6-102 and 6-120 to 6-123 of the Code of Ordinances, City of Woodstock, Georgia are hereby amended and/or created to read as follows:

**Sec. 6-6. Types of licenses; number of licenses; renewal.**

(a) Licenses which may be issued under this chapter include:

(1) Manufacturing:

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<sup>1</sup> Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

"The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly. "

<sup>2</sup>O.C.G.A. § 36-35-3 (a) provides as follows:

"(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6."



- a. Malt beverages.
- b. Wine.
- c. Distilled spirits.

(2) Wholesale:

- a. Malt beverages.
- b. Wine.
- c. Distilled spirits.

(3) Retail:

- a. Malt beverages.
- b. Wine.
- c. Distilled spirits.
- d. Consumption on Premises/Ancillary tasting room (Malt beverages and Wine only) (hereinafter referred to as an "Ancillary Tasting Room License").

(4) Consumption on the premises:

- a. Malt beverages.
- b. Wine.
- c. Distilled spirits.

(5) Any combination of the above at the same location provided no retail or wholesale license shall hold any consumption on the premises license (other than an Ancillary Tasting Room License) for the same location.

(b) A person doing business at more than one place shall take out and pay for a separate license for each place of business.

(c) Licenses may be renewed as provided in O.C.G.A. § 3-3-1 et seq.

(d) No license may be renewed if the licensee could be denied a new license under this chapter, except as provided in section 6-26.

(Code 1989, § 9-1-10; Res. No. 95-01-10, 1-10-1995)

**State law references:** Authority to grant license, O.C.G.A. § 3-3-2; license required, O.C.G.A. § 3-3-3.

**Sec. 6-13. Residency requirements; registered agent.**

(a) Pursuant to O.C.G.A. § 3-4-23, no retail dealer's license or tax stamps for distilled spirits shall be sold to any person unless an application is filed with the commissioner, accompanied by a certificate by the judge of the probate court of the county of the applicant's residency certifying that the applicant has been a bona fide resident of the State of Georgia for at least three years and at the current place of residency for 12 months immediately preceding the application and reside in a county where distilled spirits may be legally sold under O.C.G.A. title 3, Ch. 4, art. 2 (O.C.G.A. § 3-4-20 et seq.) in the city.



(b) All applications for alcoholic beverage licenses under this chapter except as otherwise provided for, either the applicant or an individual the applicant designates to act as their agent shall provide proof of residency acceptable to the administrator that they have been a bona fide resident of the State of Georgia for three years and at the current place of residency for 12 months immediately prior to making application for the license. If the applicant designates an agent, that agent shall meet the residency requirements as stated herein above prior to making application and will be designated to be responsible for any matter relating to the license.

(c) All applications for licenses under this chapter by a corporation shall name in the application one or more persons meeting the residency requirements of subsection (b) above as the registered officer of the corporation and such officer shall be registered with the secretary of state's office. This representative of the corporation shall receive all communications, notices, service or process or other papers or documents, on behalf of the corporation in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any city license. The application shall give the mailing address of such registered officer, and the mailing to any registered officer at that address of any notice required to be given under this chapter or any other law shall be sufficient notice to the corporation.

(d) Such registered officer shall be a representative of the licensee corporation and must be approved by the administrator. The administrator shall refuse to approve any registered officer who is not a bona fide resident in accordance with subsection (b) above or who has been convicted, within ten years immediately prior to the filing of the application of any felony or convicted within five years immediately prior to the filing of the application of any misdemeanor relating to any alcoholic beverage business or any state law or county or municipal ordinance violation relating to any alcoholic beverage business. As used in this subsection, the term "conviction" shall have the same meaning as in section 6-12.

(e) If any registered officer shall cease to be the registered agent of the licensee corporation or shall cease to be a resident as specified in subsection (b) above or in any manner ceases to meet the requirements of subsection (d) of this section, the licensee shall notify the administrator in writing of such event and shall nominate a new registered officer within five days after such event occurs. Such new registered officer shall meet the requirements in subsections (c) and (d) of this section and must be approved by the administrator. The city shall charge a fee of \$100.00 for a change of the corporation's registered officer; however, if the licensee corporation fails to notify the city and nominate a new registered officer within the five-day period, then the city shall charge an additional fee of \$200.00 for a change of the corporation's registered officer and/or revoke the licensee's license. The application process includes the approval by the administrator of a revised application, fingerprinting of the applicant and a criminal history investigation.

(Code 1989, § 9-1-12; Res. No. 95-01-10, 1-10-1995; Ord. No. 05-09-13, 9-13-2005; Ord. of 3-16-2006)

**State law references:** Certificate of residence required for retail license to sell distilled spirits, O.C.G.A. § 3-4-23; powers of local governing authority to grant licenses generally, O.C.G.A. § 3-3-2.



**Sec. 6-102. Manager's permit.**

(a) Every person licensed under this chapter for the retail sale of distilled spirits, malt beverages or wine for consumption on the premises shall employ one or more persons as manager for the licensed establishment. At least one manager shall be at the licensee's premises during all times that alcoholic beverages are being consumed thereon, and such manager shall be in charge of the premises and responsible for the actions of the employees and customers of the licensed establishment. Each such manager shall obtain a manager's permit as provided in this section, and this permit shall be valid for a period of 12 months from the date of issuance.

(b) Each person wishing to obtain a manager's permit must make application on a form provided by the police department within three days of the date of employment. Such application shall include proof of residency as required in article I, subsection 6-13 (a) and (b) of this chapter. Upon receiving the completed application, the police department shall arrange to have the applicant photographed and fingerprinted and to place these records on file in the police department. The police department shall be authorized to issue a manager's permit after verifying the facts in the application.

(c) Licensees and managers under this section shall keep a copy of the permit on file at all times in the establishment and shall make these permits available for inspection during operating hours.

(d) Any person who has been convicted of a violation of any law or ordinance governing the sale of alcoholic beverages or sale or possession of illegal drugs in the past five years shall be ineligible to receive a manager's permit.

(e) If any manager of the licensee shall cease to be an employee of the licensee or shall cease to be a resident as required in subsection (b) above or in any manner ceases to meet the requirements of this section, the manager's permit shall be deemed null and void.

(Code 1989, § 9-1-63; Res. No. 95-01-10, 1-10-1995; Ord. No. 05-09-13, § 9-13-2005; Ord. of 3-16-2006)

**State law references:** Authority to regulate licensee, O.C.G.A. § 3-3-2; authority to adopt rules governing license to sell distilled spirits, O.C.G.A. § 3-4-110.



**Sec. 6.109-6.119. Reserved.**

**6.120. Ancillary tastings permitted.**

- (a) The holder of a retail sales license, other than for distilled spirits, shall be eligible for an Ancillary Tasting License to provide samples of malt beverages and/or wine offered for sale to customers under the conditions set forth in this ordinance. No location where distilled spirits are sold shall be eligible for an Ancillary Tasting License.

**6.121. Tasting limitations.**

- (a) Tastings shall be limited to malt beverages and wines only. Tastings shall be on limited occasions either when a customer requests a sample of a malt beverage or wine offered for sale within the premises or in conjunction with sampling designed to promote malt beverage or wine appreciation and education.
- (b) Tastings of malt beverages or wine shall be limited to one consecutive two-hour period in any one (1) day. Tastings shall not exceed two (2) ounces, and no person shall consume more than eight (8) ounces in any one (1) day on the premises.

**6.122. Serving limitations.**

- (a) Malt beverages and/or wine products used in conjunction with tasting shall be opened and poured by the licensee or a person who has obtained a Manager's permit as specified in section 6.102.
- (b) No open containers of malt beverages and/or wine shall be removed from the licensed premises.
- (c) Tastings are permitted on the licensed premises only as specified in section 6.108.
- (d) Holders of an Ancillary Tasting License shall not charge for tastings, but may accept donations for a charitable organization of their choice.

**6.123. Additional fee required.**

The annual fee for an Ancillary Tasting License shall be published in the adopted Fee Schedule for the City of Woodstock.

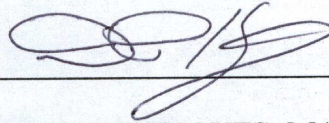


**Secs. 6.124-6.130. Reserved**

As approved and adopted this 9<sup>th</sup> day of March, 2009.

1<sup>st</sup> Reading: 02/23/2009

2<sup>nd</sup> Reading: 03/09/09



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DONNIE HENRIQUES, MAYOR  
CITY OF WOODSTOCK, GEORGIA

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RHONDA L. PEZZELLO, CLERK  
CITY OF WOODSTOCK